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CALIFORNIA RESTAURANT ASSOCIATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

CALIFORNIA RESTAURANT
ASSOCIATION,

Plaintiff,

v.

THE COUNTY OF SANTA CLARA and
THE SANTA CLARA COUNTY PUBLIC
HEALTH DEPARTMENT,

Defendants.

No. CV-08-03685 CW
(Related to No. CV-08-03247 CW)

**DECLARATION OF MICHAEL
ANDRES SUPPORT OF PLAINTIFF'S
MOTION FOR DECLARATORY
RELIEF AND A PRELIMINARY
INJUNCTION**

Hearing Date: August 28, 2008
Hearing Time: 2:00 p.m.
Courtroom: Courtroom 2, 4th Floor

The Honorable Claudia Wilken

Complaint filed: July 22, 2008
Notice of Removal filed: August 1, 2008

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Jul 24, 2008 3:07 PM

David H. Yamasaki
Chief Executive Officer/Clerk
Superior Court of CA, County of Santa Clara
Case #1-08-CV-117885 Filing #G-9873
By M. Rosales, Deputy

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA**

CALIFORNIA RESTAURANT
ASSOCIATION,

Plaintiff,

v.

THE COUNTY OF SANTA CLARA and
THE SANTA CLARA COUNTY PUBLIC
HEALTH DEPARTMENT,

Defendants.

Case No. 1-08-CV-117885

**DECLARATION OF MICHAEL
ANDRES IN SUPPORT OF PLAINTIFF'S
MOTION FOR DECLARATORY
RELIEF AND A PRELIMINARY
INJUNCTION**

Date: August 15, 2008

Time: 9:00 a.m.

Dept: 8

Action filed: July 22, 2008

FILED: Jul 24, 2008 3:07 PM, Superior Court of CA, County of Santa Clara, Case #1-08-CV-117885 Filing #G-9873

1 I, MICHAEL ANDRES declare:

2 1. I provide this declaration in support of Plaintiff's Motion for Declaratory Relief and
3 a Preliminary Injunction. If called as a witness, I could and would competently testify to the
4 matters set out in this declaration.

5 2. I am Vice President and General Manager, Pacific Sierra Region, for McDonald's
6 USA LLC. I am the officer in charge of the Pacific Sierra Region, one of twenty two regions in the
7 United States. The McDonald's restaurants in Santa Clara County are in the Pacific Sierra Region.

8 3. Effectively and efficiently communicating with our customers is critical to delivering
9 an easy and convenient visit, which along with our food and value, are the primary motivators for
10 coming to our restaurants. Our menu boards are the focal point of our business inside our
11 restaurants.

12 4. Considerable effort and expense have been invested to develop designs and menu
13 board layouts that provide our customers with an intuitive, attractive and streamlined
14 communication of our menu and point-of-purchase displays. We incorporate pictures, brief
15 description and price for the single items and meal combinations.

16 5. We continue to work to provide our customers with information on our food relative
17 to health and nutrition. Our efforts in this regard have been thoughtful and comprehensive. This
18 information is offered on in-store brochures and tray liners, our interactive website, and a toll-free
19 phone number. We also put key nutritional information on the product packaging. We have added
20 menu items that provide additional choices for our consumers to fit their specific dietary needs and
21 lifestyles.

22 6. We do not put our nutritional information on our menu boards. Our targeted total
23 service time in our restaurants is three minutes and thirty seconds. Hitting those targets is what our
24 customers expect from us. If we are forced to comply with Santa Clara County's Ordinance NS-
25 300.793 (the "Ordinance"), this clutter on the menu board could create confusion, increase the
26 ordering times, increase our total experience times, reduce throughput at critical times of the day
27 and adversely impact our customer's experience and our business.

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1 7. This Ordinance is an attempt to dictate the approach and manner of communication
2 of nutrition information in a way that will detract from our customer experience, create unnecessary
3 barriers to service times and lead to customer and employee frustration. We provide nutrition
4 information in a manner that we believe does a better job of putting calorie information in context
5 and is easily understood and accessed by customers.

6 8. I believe that those competitors who are exempted from this Ordinance will have an
7 unfair advantage and thus we risk losing business to them. Most of the restaurants not covered
8 under this Ordinance have never provided nutritional information to their customers and their food,
9 in fact, may have more calories than McDonald's. We may not be able to measure our losses with
10 certainty.

11 9. We are left with no alternative but to seek help from this Court, to protect our ability
12 to communicate with our customers in the way that we see fit.

13 I declare under penalty of perjury of the laws of the State of California and the United States
14 that the foregoing is true and correct.

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16 Executed on July 17, 2008 at Carlsbad, California

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20 MICHAEL ANDRES
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